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ON

November 6, 2003

Mark B. Quatt

Registration No. 30,484

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TECHNOLOGY CENTER R3700

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Caudle Docket No: D-43260-04
Serial No.: 09/846,714 Examiner: Jes F. Pascua
Filing Date: May 1, 2001 GAU: 3727
Title: Contoured Pouch With Pourable Spout, and Apparatus and Process for Producing Same

DECLARATION UNDER 37 CFR §1.131

I, Timothy Gray Caudle, declare the following:

1. I am the original, first and sole inventor of the subject matter described and claimed in the above-identified patent application.
2. The subject patent application is a divisional application, and claims the benefit, of US Patent Application Serial No. 09/410,353 filed on September 30, 1999.
3. Prior to May 5, 1999, I had completed and was in possession of my invention as described and claimed in the subject application in this country, as evidenced by the following:
 - a. Prior to May 5, 1999, having earlier conceived the idea of making a pouch including two lateral edges, the lateral edges each having a concave surface and a convex surface, the concave surface of each lateral edge being substantially opposite the convex surface of the other lateral edge, I sent a facsimile to personnel of an equipment supplier with whom my company has a business relationship. The facsimile is attached hereto as Exhibit A.
 - b. The facsimile included as an attachment several drawings, including one (Figure 5) which discloses a pouch including two lateral edges, the lateral edges each having a concave surface and a convex surface, the concave surface of each

lateral edge being substantially opposite the convex surface of the other lateral edge. The drawing also shows a pouch in which each of the first and the second lateral edges includes a non-rectilinear portion, and in which a distance between the first and the second lateral edges is substantially the same for all elevations of the pouch. The attachment to the facsimile, showing the drawing, is attached hereto as Exhibit B. I sent my facsimile and my drawing with the intent of having sample pouches made according to my proposed design.

c. After the facsimile of Exhibit A and the attached drawing of Exhibit B was sent, a follow up facsimile was sent to the same equipment supplier. This second facsimile refers to my Figure 5 of Exhibit B, and further discusses the geometry and advantages of my pouch design. This second facsimile is attached hereto as Exhibit C, and was sent prior to May 5, 1999.

d. Sample pouches were made according to Figure 5 of my design as described and shown in my first facsimile and drawing (Exhibits A and B) and sent to me prior to May 5, 1999. A third facsimile, at paragraph 19 on page 3 of that facsimile, acknowledges the production of the sample "S" shape pouch made according to my design by our equipment manufacturer. This third facsimile, sent prior to May 5, 1999, is attached hereto as Exhibit D.

e. Also attached are five of my engineering drawings, numbered "Bar 1", "Bar 2", "Bar 3", "Bar 4", and "Knife 1", which define an end seal bar design, an end remaining seal bar design, a cut bar design, a cooling bar design, and a knife design respectively, useful for the manufacture of the pouch of my invention. These engineering drawings are attached hereto as Exhibit E, and were made prior to May 5, 1999.

4. Each of the dates deleted from Exhibits A-E is prior to May 5, 1999.
5. I declare that all statements made herein of my own knowledge are true, and that all statements made herein on information and belief are believed to be true. Such statements were made with the knowledge that wilful false statements and the like are punishable by fine or imprisonment, or both (18 U.S.C. 1001) and may jeopardize the validity of the present application or any patent issuing therefrom.

Declared this 31st day of October, 2003.

Timothy Gray Caudle

Timothy Gray Caudle

EXHIBIT A



Fax

Date: [REDACTED], 19[REDACTED] (Ref. No. [REDACTED])

"A"

To: Mr. [REDACTED]
Mr. [REDACTED]

From: Tim G. Caudle

Fax #: 9-011-81-273-60-4526
9-011-81-3-3238-5913

No. of Pages
including this page: 3

I hope that you both are doing well. I am writing in regards to a recent request that Cryovac received from [REDACTED]. This customer was curious as to whether or not Cryovac could supply them with a stand-up pouch similar to a package that they have recently test marketed. They would like to use this stand-up pouch to package fruit drinks in 8-ounce quantities. Included in this fax are several sketches for your reference and consideration.

5. Figure 5 - this figure illustrates an idea which does not require removal of scrap or excess film between pouches. It utilizes a contour shape that is sealed and cut. Both the top and bottom of this pouch have gussets, while the straw would be hot glued or attached to the face of the pouch.

1

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This particular stand-up pouch has a large market potential (approximately [REDACTED] million pouches/year and multiple [REDACTED] systems) and is worthy of consideration [REDACTED]

Please examine and discuss the above information and advise your thoughts on the possibility of producing one of the above pouches (or a alternate/similar design) on the [REDACTED] system. Thank you very much for your consideration regarding the above issue. Take care.

Best regards,



Tim G. Caudle

CC:

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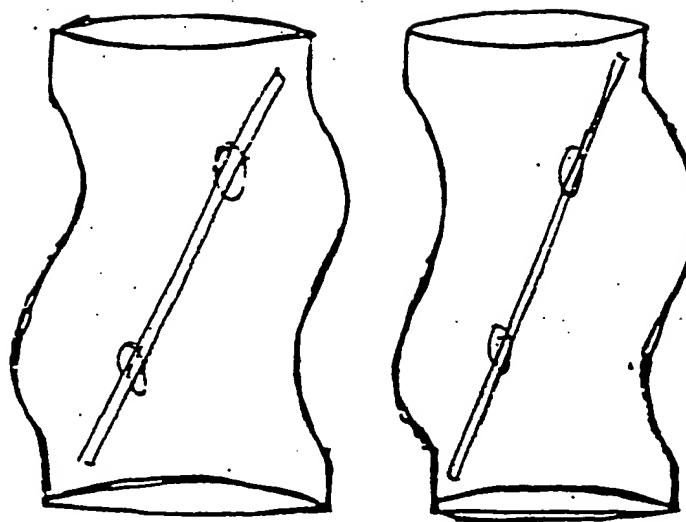
EXHIBIT B

← Figure 1

← Figure 2

Figure 3

← Figure 4



← Figure 5

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Fax

Cryovac North America

P. O. Box 464
 Duncan, SC 29334-0464
 USA

Tel: (864) 433-2000
 Fax: (864) 433-0000
www.sealedair.com

Date: [REDACTED] 19 [REDACTED] (Ref. No. [REDACTED]) "C"

To: Mr. [REDACTED]

From: Tim G. Caudle

Fax #: 9-011-81-3-3238-5913

No. of Pages

Including this page: 1

Dear [REDACTED]:

I hope that you are doing well. I am writing in regards to the special stand-up pouch project [REDACTED]. Cryovac would like for [REDACTED] to investigate the approximate cost and lead-time required to design, fabricate and test the components necessary to produce this special stand-up pouch on the [REDACTED] machine.

Cryovac assumes that [REDACTED] would be adapting the [REDACTED] machine to produce the special stand-up pouch shown in Figure 5 of my [REDACTED], 19 [REDACTED] fax having Fax Ref. No. "A". Please advise if this is correct? As a note, the special stand-up pouch shown in Figure 5 of that fax illustrates an idea which does not require removal of scrap or excess film between pouches. It utilizes a contour shape that is sealed and cut. Both the top and bottom of this pouch have gussets, while the straw would be hot glued or attached to the face of the pouch.

Please investigate and discuss the above information and advise as to when [REDACTED] would be able to supply approximate cost and lead-time information on the components necessary to produce this special stand-up pouch on the [REDACTED] machine. Thank you very much for your consideration regarding this important issue and take care.

Best regards,

Tim G. Caudle

CC:

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Fax

Cryovac North America

P. O. Box 464
Duncan, SC 29334-0464
USA

Tel: (864) 433-2000
Fax: (864) 433-0000
www.sealedair.com

"D"

Date: [REDACTED], 19[REDACTED] (Ref. No. [REDACTED])

To: Mr. [REDACTED]

From: Tim G. Caudle

Fax #: 9-704-392-1621

No. of Pages
Including this page: 4

Dear [REDACTED]:

Thank you very much for taking the time to visit Cryovac/Duncan, SC on Friday, [REDACTED], 19[REDACTED]. Below is a list of issues discussed during your visit for reference and follow-up purposes.

- 1.
- 2.
- 3.
- 4.
- 5.

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14.

15.

16.

17.

18.

19. It was confirmed that [REDACTED] will definitely require an unique shape for their application. They approve of the sample "S" shape stand-up pouch previously supplied by [REDACTED]. In addition, there is a possibility that they may prefer an easy open feature with a special integral straw design instead of a top gusset with an adhered straw (separate component). Cryovac will advise of this customer's intentions regarding this issue as soon as further details are available. Recently, Cryovac was advised that this customer will require an 8-ounce package instead of a 10-ounce package.
20. Would it be possible for [REDACTED] to manually produce sample "S" shape stand-up pouches with no top seal, no liquid inside and no easy open feature? If so, would it be possible for [REDACTED] to manually produce approximately 300-600 of these sample packages?
21. All [REDACTED] Model [REDACTED] machine drawings are to be delivered to Cryovac/PESC at [REDACTED] 19.

3

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22.

Thank you for your assistance and support and please let me know if there are any questions or if I can be of further assistance. Take care.

Best regards,

Tim G. Caudle

CC:

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EXHIBIT E

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ITEM	DETAIL NO.	MATERIAL OR PART DESCRIPTION
1	PROJ. ID 1328	CRYOVAC END SEAL BAR DESIGN
2	DATE	CRYOVAC MODEL SYSTEM
3	PROD. CO.	DESIGNER T. G. CARDE
4	ENG. CO.	DESIGNER T. G. CARDE
5	CS	RARI

NOTES:

1. DRAWING ILLUSTRATES THE TYPICAL DESIGN OF END SEAL BARS.
2. END SEAL BARS ARE METAL (BRASS OR ALUMINUM) WITH NON-STICK COATING.

TOP PORTION OF PACKAGE ————— PRODUCES END SEAL ON LEADING EDGE OF PACKAGE

TOP PORTION OF PACKAGE ————— PRODUCES END SEAL ON TRAILING EDGE OF PACKAGE

TOP PORTION OF PACKAGE ————— BOTTOM SIDE OF SEAL BAR

TOP PORTION OF PACKAGE ————— BOTTOM PORTION OF PACKAGE

DIMENSIONAL TOLERANCES UNLESS OTHERWISE SPECIFIED

FUNCTION	WELDING	MACHINING	HELDING	CASTING	SHRINK	ALL SHARP CORNERS	NOTE: BREAK
FRACTIONAL	$\pm \frac{1}{32}$	$\pm \frac{1}{32}$	$\pm \frac{1}{16}$	$\pm \frac{1}{16}$	$\pm \frac{1}{16}$	$\pm \frac{1}{16}$	ALL SHARP CORNERS
DECIMAL	.031	.031	.031	.031	.031	.031	RUB FINISH
MM	.794	.794	.794	.794	.794	.794	

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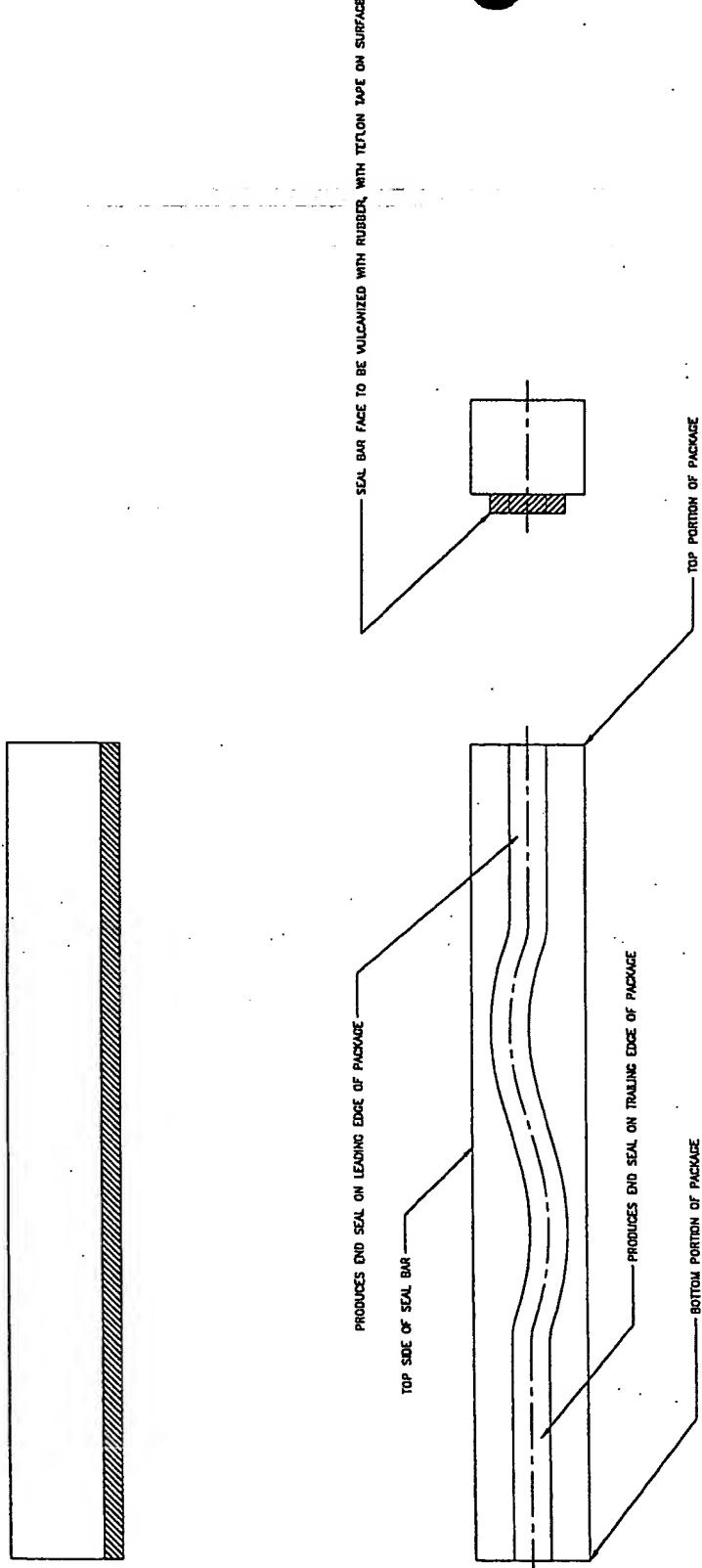
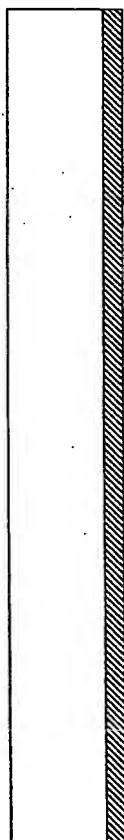
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REF. NO. [REDACTED] DATE [REDACTED]

DESCRIPTION

ECO NO.

REV. [REDACTED]



SEAL BAR FACE TO BE VULCANIZED WITH RUBBER, WITH TEFLON TAPE ON SURFACE

NOTES:

1. DRAWING ILLUSTRATES THE TYPICAL DESIGN OF HEATED END REMAINING SEAL BARS.
2. END REMAINING SEAL BARS ARE METAL (ALUMINUM) WITH A VULCANIZED RUBBER FACE AND TEFLON TAPE ON THE SURFACE.

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DIMENSIONAL TOLERANCES		UNLESS OTHERWISE SPECIFIED		NOTE: BREAK		PROPERTY OF	
FUNCTION		WELDING, CASTING, SH. METAL, SWEEP, CORNERS		SWEEP, CORNERS		CRYOVAC	
FRACTIONAL		$\pm \frac{1}{64}$		$\pm \frac{1}{16}$		CRYOVAC CORPORATION	
DECIMAL		$\pm .0156$		$\pm .0312$		END REMAINING SEAL BAR DESIGN	
NEXT ASSY.		QTY. —		QTY. —		CRYOVAC MODEL [REDACTED]	
REV. [REDACTED]		DETAIL NO. [REDACTED]		DATE [REDACTED]		PER FOR DRAWING NO.	
REF. NO. [REDACTED]		PROD. ID [REDACTED]		1328		BARZ	

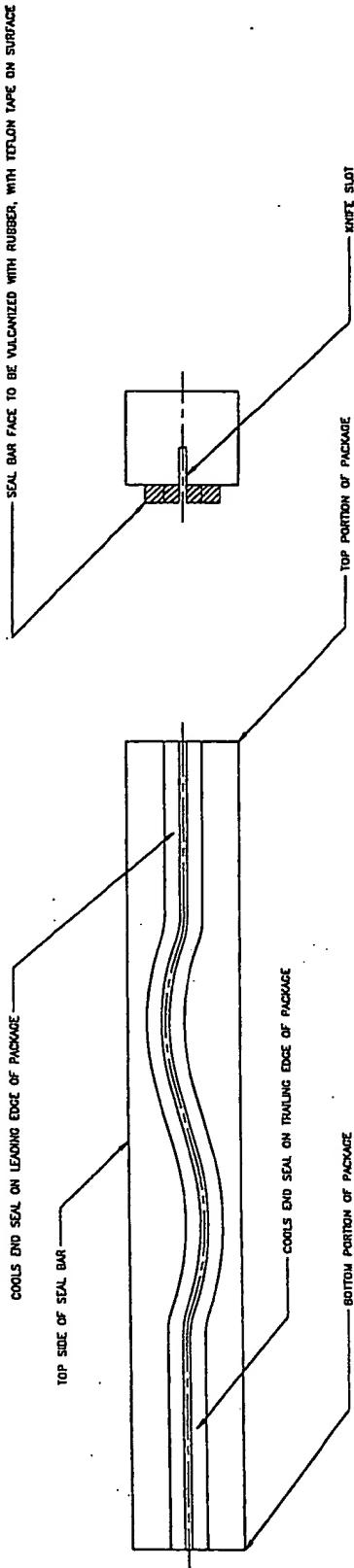
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IN.	DESCRIPTION	ECO NO.	DATE	REV.

CRYOVAC
 A SUBSIDIARY OF THE DOW CHEMICAL COMPANY

<img alt="Technical drawing of a Cryovac seal bar system showing a side view of the seal bar being applied to a package. Labels include: 'TOP PORTION OF PACKAGE' pointing to the top edge, 'ENDS END SEAL ON LEADING EDGE OF PACKAGE' pointing to the left end seal, 'COOLS END SEAL ON TRAILING EDGE OF PACKAGE' pointing to the right end seal, 'BOTTOM SIDE OF SEAL

REF.	DESCRIPTION	ECO NO.	DATE
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NOTES:

1. DRAWING ILLUSTRATES THE TYPICAL DESIGN OF COOLED SEAL BARS (WATER COOLED).
2. COOLED SEAL BARS ARE METAL (ALUMINUM) WITH A VULCANIZED RUBBER FACE AND TEFLON TAPE ON THE SURFACE.

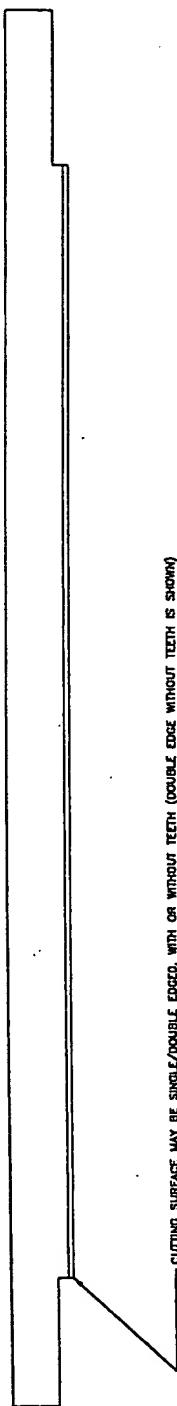
QTY.	DETAIL NO.	MATERIAL OR PART DESCRIPTION
PROJ. ID	1326	PROPERTY OF
		CRYOVAC
		SEAL BAR DESIGN
		CRYOVAC MODEL
		SYSTEM
		DATE
		PROJ. NO.
		DRAWING NO.
		BAR

CONFIDENTIAL

REV.	DESCRIPTION	ECO NO.	DATE
------	-------------	---------	------

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CUTTING SURFACE MAY BE SINGLE/DOUBLE EDGED, WITH OR WITHOUT TEETH (DOUBLE EDGE WITHOUT TEETH IS SHOWN)



TOP PORTION OF PACKAGE

PROFILE OF THE END SEAL KNIFE MATCHES THE PACKAGE PROFILE

BOTTOM PORTION OF PACKAGE

NOTES:

1. DRAWING ILLUSTRATES THE TYPICAL DESIGN OF END SEAL KNIFE.
2. END SEAL KNIFE IS TO BE MADE OF METAL (SS).

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DIMENSIONAL TOLERANCES		UNLESS OTHERWISE NOTED, BREAK ALL SHARP CORNERS		NOTE: BREAK ALL SHARP CORNERS		PROPS OF CRYOVAC SYSTEM		MATERIAL OR PART DESCRIPTION	
FUNCTION	WELDING, THERMOCASTING, SH., METAL	±.01	.01	±.01	.01	DATE	TYPE TYPICAL KNIFE DESIGN	PROPS OF DRAWING NO.	DATE
FRACTIONAL	3/16	1/2	3/16	1/2	3/16	1/2	CRYOVAC MODEL	KNIFE	1328
DECIMAL	.1875	.500	.1875	.500	.1875	.500	SYSTEM		
ANGULAR	±1°	±1°	±1°	±1°	±1°	±1°	ENGINEER T. G. CUDDE	DESIGNER T. G. CUDDE	
NEXT ASST.	QTY.						AS NOTED	CS	